HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1328 of 2004 (SS)

Sukhdev Singh Rana s/o Sri Bhagwan Singh Rana
Budha Kishni, Tehsil Khatima,
District Udham Singh Nagar ..... Petitioner

Versus

1. Union of India
2. Inspector, Post & Telegraph Department
   Haldwani, District Nainital
3. Post Master, Post of Telegraph Department,
   Khatima.
4. Dy. Post Master, Post & Telegraph Department
   Khatima, Udham Singh Nagar ..... Respondents

Dated: 21.02.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Vivek Pathak, counsel for the petitioner and Standing Counsel for the Central Government.

By the present writ petition, the petitioner has prayed for a writ of mandamus commanding the respondents to take work of the post of GDS from the petitioner.

The short submission of the petitioner is that he was appointed in the respondent department as GDS post distributor on 29.9.2003 and the petitioner joined the service on 1.10.2003. The appointment of the petitioner was purely temporary. On 31.3.2003 the Post Master, Khatima has told the petitioner that he is no more required. The petitioner has

submitted that at present the post has not been filled up by the regular employee.

The respondents have filed counter affidavit and have submitted that the post of Gramin Dak Seva has been filled up by the regular appointment who has joined on 7.5.2003.

In view of above, no case for interference under Article 226 and 227 of the Constitution of India is made out. However, in case of any vacancy, the respondents are directed to give a change to the petitioner considering his past experience.

Subject to the above observations, writ petition is dismissed. No order as to costs.

Dated: 21.2.2006 **Rajesh Tandon, J.**

*Dhyani